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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,530	07/29/2003	Ralf Naumann	P7111.4US	1529
30008	7590	04/13/2005	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			LOPEZ, FRANK D	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/604,530		NAUMANN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	F. Daniel Lopez		3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 112***

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 does not further limit claim 1, since the limitation "the widened section tapers radially inwardly toward the base member" is fully claimed by the combination of "the rotor vanes taper...from the end face...so that the rotor vanes each have a widened section at the end face" (line 13-16) and "the rotor vanes have an end face...resting against the inner wall".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-8, 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Peo et al. Peo et al discloses an oscillating motor comprising a rotor (17) with rotor vanes (18) rotatable relative to a stator (10) with stator vanes (16); wherein the rotor vanes include a widened section tapered radially inwardly from an end face to recesses between the widened section and a constant width section (short section adjacent the rotor hub 17).

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Folland et al. Folland et al discloses an oscillating motor comprising a rotor with rotor vanes (34) rotatable relative to a stator (20) with stator vanes (radially inwardly tapering side walls); wherein the rotor vanes include a widened section tapered (at 50) radially inwardly from an end face to recesses (formed adjacent 34F).

Claims 1, 2, 4, 5, 6, 9, 10, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sneen. Sneen discloses an oscillating motor comprising a rotor (5) with rotor vanes (8, 14, 16) rotatable relative to a stator (1) with stator vanes (6, 16, 17);

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wherein the rotor vanes include a widened section tapered radially inwardly from an end face to recesses (between 16 and 14); and the stator vanes having two recesses (on either side of 16).

Claims 1, 2, 4, 5, 6, 10, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson. Anderson discloses an oscillating motor comprising a rotor (14) with rotor vanes (16) rotatable relative to a stator (20) with stator vanes (24); wherein the rotor vanes include a widened section tapered radially inwardly from an end face to recesses (e.g. fig 8); and the stator vanes having two recesses (on either side of 44, e.g. fig 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 and 12-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Ludwig et al in view of Peo et al. Ludwig et al discloses an oscillating motor comprising a rotor (22) with a rotor vane (35) rotatable relative to a stator (15) with a stator vane (23); wherein the rotor vane include a widened section tapered radially inwardly from an end face; and the stator vane has two recesses (on either side of abutment, shown abutting rotor vane in fig 1), with the widened section engaging a second outer recess of the recesses (i.e. the widened section is within the second recess); but does not disclose that the rotor has rotor vanes and the stator has stator vanes.

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Peo et al teaches, for a an oscillating motor comprising a rotor (17) with a rotor vane (18) rotatable relative to a stator (10) with a stator vane (16); wherein the rotor vane include a widened section tapered radially inwardly from an end face to recesses between the widened section and a constant width section (short section adjacent the rotor hub 17); that the rotor has rotor vanes and the stator has stator vanes. Since an oscillating motor having a single vane and having two vanes is functionally equivalent in the oscillating motor art, as shown by Ludwig et al and Peo et al, it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the rotor of Ludwig et al with has rotor vanes and the stator with stator vanes, as taught by Peo et al, as a matter of engineering expediency.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is (703) 872-9306. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
April 11, 2005